

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

ELLA HARMON and : **CIVIL ACTION NO. 2:07-CV-1990**
CHANTEL SMITH

VERSUS : **JUDGE MINALDI**

STATE FARM FIRE AND : **MAGISTRATE JUDGE KAY**
CASUALTY COMPANY

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO
STATE FARM FIRE AND CASUALTY COMPANY'S MOTION
TO EXCLUDE THE TESTIMONY AND REPORT OF
KERMITH SONNIER AND COST CONTROL SERVICES, LLC**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, ELLA HARMON AND CHANTEL SMITH, who responds to State Farm Fire and Casualty Company's Motion to Exclude the Testimony and Report of Kermith Sonnier and Cost Control Services, LLC. as follows:

This case is set for trial before this Honorable Court on March 23, 2009. The Defendant seeks to exclude Kermith Sonniers' ("Sonnier") report and testimony on the basis that subsequent to Sonnier's February 19, 2009 inspection they had not been provided his reports at the time the instant motion was filed. Further, Defendant complains that they had not had the opportunity to depose Sonnier at the time the instant Motion was filed. Defendants grounds for excluding Sonnier's report and testimony are not valid.

ARGUMENT

Defendants were provided Sonnier's report on February 27, 2009. A copy of said reports are attached hereto as Exhibit "A" and "B". Further, by agreement of the parties,

Sonnier was deposed by the Defendants on February 27, 2009, subsequent to the pre-trial conference in this matter.

Therefore, the Defendant's Motion to Exclude the Testimony and Report of Kermith Sonnier and Cost Control Services, LLC is moot and should be denied by this Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2009, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record:

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